

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MELANIC PALACE OF THE RISING SUN, INC.,
and FA'DEE MULAZIM,

Plaintiffs,

v.

Case No. 06-13349
Hon. Victoria A. Roberts

MERRILL LYNCH, PIERCE, FENNER
& SMITH, INC.

Defendant.

ORDER SUA SPONTE DISMISSING COMPLAINT

This matter is before the Court on Plaintiffs' Complaint seeking an accounting and judgment for the amount found to be due on a share of stock in the "American Tel & Tel" corporation. Plaintiffs allege the share, purchased in 1984, had a value of \$17.00. The share was placed in a corporate account with Defendant. Plaintiffs claim there have not been any interest payments to date.

While Plaintiffs cite several inapplicable federal statutes in the Complaint, they fail to identify a federal cause of action sufficient to confer subject matter jurisdiction. See 28 USC §1331. Further, the amount in controversy does not meet the threshold requirement for diversity subject matter jurisdiction pursuant to 28 USC §1332.

Accordingly, Plaintiffs' Complaint is **DISMISSED** for lack of subject matter jurisdiction. Additionally, Plaintiffs filed a Motion for appointed counsel and to proceed

in *forma pauperis* on July 25, 2006. The Motion to appoint counsel is **MOOT**, and the Motion to proceed in *forma pauperis* is **GRANTED**.

IT IS SO ORDERED.

S/Victoria A. Roberts
Victoria A. Roberts
United States District Judge

Dated: July 28, 2006

The undersigned certifies that a copy of this document was served on the attorneys of record and pro se plaintiff by electronic means or U.S. Mail on July 28, 2006.

S/Carol A. Pinegar
Deputy Clerk